

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

104 APR -9 P 2:52
Steven James Przyborski, Plaintiff)
v.) DISTRICT COURT
Midland Credit Management,) DISTRICT OF MASS.
Inc., and Lindner & Associates,) CIVIL ACTION
P.C., Defendants) NO. 04-10470 NG

**REQUEST FOR LEAVE TO MAKE SECOND AMENDMENT TO ORIGINAL
COMPLAINT AND MEMORANDUM OF REASONS IN SUPPORT**

Having already amended his original complaint once as a matter of course, plaintiff requests leave of court to make the following amendments to his original complaint.

1. On March 24, 2004, plaintiff made payment in full on his debt to Midland Credit Management, Inc.
2. Plaintiff adds Mark Lindner as individual party defendant.
3. Mark Lindner resides at 633 Highland Ave., Needham, Norfolk County, Massachusetts; is the sole shareholder of defendant Lindner & Associates, P.C.; and occupies all corporate officer positions of Lindner & Associates, P.C.
4. Plaintiff repeats and incorporates by reference paragraphs 12 through 28 of his original complaint.
5. Plaintiff demands judgement against Mark Lindner for actual damages, additional damages under 15 USC § 1692k(a)(2), and costs.

Plaintiff offers the following reasons in support of his request:

6. Fed.R.Civ.P. 15(a) provides that leave to amend pleadings "shall be freely given when justice so requires."
7. Plaintiff alleges in the original complaint that Mark Lindner caused representations to be made in his name as individual attorney that

exceeded actual authority given to Lindner & Associates by its client, defendant Midland Credit Management, Inc.

8. Mark Lindner's actions could subject him to individual liability and insulate Lindner & Associates from corporate liability.
9. Mark Lindner was served with this request at the same time as he was personally served with the summons and complaint as officer of defendant Lindner & Associates, P.C., and therefore he is not prejudiced by delay.

Plaintiff waives oral argument on this request.


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